

~~E~~

~~536~~

~~126~~

FLM

2015

072714

West Virginia War Claims.
Speech of
Hon. Henry G. Davis.





Class E536

Book T26

124

SPEECH

OF

391
929

HON. HENRY G. DAVIS,

Of West Virginia,

IN SENATE OF THE UNITED STATES,

WEDNESDAY, MAY 13, 1874,

ON

2510
5350

WAR CLAIMS OF WEST VIRGINIA AND ITS CITIZENS

AGAINST THE UNITED STATES.



WASHINGTON:
John H. Cunningham, Printer.
1874.

1861-2-2/11

WEST VIRGINIA WAR CLAIMS.

S P E E C H

OF

HON. H. G. DAVIS, OF WEST VIRGINIA,
IN THE SENATE OF THE UNITED STATES:

Mr. DAVIS. If the regular morning business is through, I wish to be heard. The PRESIDENT *pro tempore*. The Senator will proceed, if there be no objection.

Mr. DAVIS. Mr. President, the Chairman of the Committee on Claims gave notice that he would to-day ask the Senate to consider bills reported from that committee. I, also, gave notice that I would ask the Senate to allow me to submit some remarks to-day after the regular morning business was concluded, on West Virginia War Claims. I shall be as brief as the subject will admit. I invite the attention of the Senate to the bill I introduced early in this session providing for the payment to the State and people of West Virginia of the sum of \$500,000 to reimburse them in part for losses sustained by them during the late war. The bill has been read a second time, and is now pending before the Committee on Claims, and is as follows:

A bill to reimburse the State of West Virginia for losses incurred by reason of the destruction of its bridges, court-houses, school-houses, churches, turnpike roads, and other public property by Federal troops during the late war.

Whereas the State of West Virginia suffered heavy losses during the late civil war in the destruction of bridges, court-houses, school-houses, churches, turnpike roads, and other public property; and whereas said State was loyal to the Government of the United States, and contributed its full share toward putting down the late rebellion; and whereas the greater portion of said property was destroyed by Federal troops acting under the orders of their superiors; and whereas said State, by reason of its heavy losses as aforesaid and of its being yet young in years, and having to endure a heavy expense in the erection of public buildings, is unable to contribute toward the rebuilding of said works: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized, and hereby directed, to pay to the State of West Virginia, upon the order of the governor of said State, out of any money in the Treasury not otherwise appropriated, the sum of \$500,000, to be applied to the rebuilding of the bridges, court-houses, school-houses, churches, turnpike roads, and other public property in said State destroyed by Federal troops by military orders during the late civil war.

My remarks, however, will apply to similar bills now upon the Calendar ready to be acted upon by the Senate.

SKETCH OF THE ORGANIZATION OF WEST VIRGINIA.

A large majority of the citizens of West Virginia were opposed to the ordinance of secession, and in favor of maintaining the supremacy of the Union and the Constitution, and signalized their devotion to the Government by setting up a reorganized government as soon as possible after the passage of the secession ordinance in Richmond, on the 19th day of April, 1861. A thrill of excitement shook the country from the Alleghenies to the Ohio river when the western delegates returned and announced the passage of the ordinance. Three days afterward, on the 22d, a mass meeting was called and held at Clarksburg, where resolutions were adopted calling upon the people of Western Virginia to send delegates to a convention to be held at Wheeling on the 13th of May following, to determine upon such action as might be thought best.

The people responded to the call, and assembled in convention in Wheeling on the day appointed, and passed resolutions denouncing the ordinance of secession as an act of treason, and providing for a convention of all the counties of Virginia adhering to the national Government. This convention assembled in Wheeling on the 11th of June following, and proceeded to reorganize the lawful government of the State. This reorganized government was recognized by the people as the true government of the State, and Hon. F. H. Pierpont was elected governor. This convention also issued a call for a new State constitutional convention, which body was elected on the 24th of October, 1861, and met at Wheeling on the 26th of November following.

The consent of the Legislature of reorganized Virginia was given to the formation of a new State on the 13th of May, 1862, and on the 31st of December following President Lincoln approved the act of Congress admitting West Virgi-

nia into the Union. The new State constitution, as amended, was adopted by the people on the 26th of March, 1863. A general election for the new State government was held on the 28th of May, and on the 20th of June, 1863, the State of West Virginia was inaugurated at Wheeling by Hon. Arthur I. Boreman, my present colleague on this floor, first governor of the new State, and the assembled Legislature. The validity of the new State was fully recognized by act of Congress December, 1862, and by proclamation of the President April, 1863, and by Congress admitting Senators and Representatives, and by the Supreme Court of the United States in the case of *Virginia vs. West Virginia*, for the possession of Jefferson and Berkeley counties, which case was decided in favor of West Virginia.

SITUATION OF WEST VIRGINIA DURING THE WAR.

The people whose cause I advocate suffered much for the sake of the Republic. They are the men of the border, those men who during the rebellion were the living rampart of the States which adhered to the General Government. Some of them were soldiers of the United States Army, faithfully discharging their duty, while the Government, for whose preservation they fought, seized and used or destroyed their property.

West Virginia was one of the border States during the late war, and being so, had to bear the brunt of hard knocks and cruel blows from both of the then contending armies. She was the bulwark, the fortress, interposed between the loyal States of the North and the opponents of the Government. Her hills and valleys resounded with the march of hostile armies during the whole war, and on numberless occasions were the scenes of hard-fought battles, and were drenched with the blood of the best and the bravest of both armies.

All the moral influence which she, as a State, could exercise was thrown in the cause of the Government. Being one of the principal theatres of action, and the Gibraltar of safety for the Northern States, a large number of troops was necessarily kept in this State all the time. Thus it was necessary, as one of the consequences of war, to use her school-houses, churches, and other public buildings, as winter quarters, &c., to shield the soldiery from the winter blasts, or else as hospitals, to protect and care for the wounded. As fuel was needed, fences, timber, and other movable property were consumed. As food was needed, the resources of the country were used to supply the wants of the Army. As transportation was needed, horses, mules, and wagons were impressed and sacrificed for the common cause. When it became necessary to transport the heavy artillery and other munitions of war, as was frequently, nay daily, the case, our roads and pikes had to suffer.

It was a misfortune both to the people of the South and the people of the North that this war broke out; but it did break out, and it raged like a flame upon the prairie, destroying everything within its reach. It swept over our State like a deadly hurricane. It was our lot to have visited upon us all the evils, all the horrors of war; all the effusion of blood, the desolation of families, the rapine, the acts of violence, the conflagrations incident to war. The two armies surged backwards and forward through our State like the ebbing and flowing of the tide, first advancing, then retreating. Life, liberty, property, all went down before the storm. Ties of kindred—social, domestic, and religious ties were snapped asunder. Our cultivated fields were laid waste, our homes destroyed, our industrial pursuits interrupted—nay, almost abandoned. Many of our people were driven away from their homes; their cattle, horses, and other stock were taken, their houses burned, and everything they had on earth destroyed. They were left without means, without homes, without household furniture, suffering for the necessities of life, and in some cases utterly destitute. This is but a faint picture of some of the horrors of war. Our neighbors, who dwelt in affluence and safety while we stood senary over their treasures and loved ones, little knew the sufferings and privations we were called upon to undergo. I am not painting harrowing scenes in order to work upon the sympathies of Senators, but am stating plain truths, which the history of the late war will fully corroborate.

CLAIM UNEQUAL TO THE LOSSES.

The amount claimed in this bill is not at all equal to the losses actually sustained, but being a young State, and consequently modest, and taking into consideration the present financial condition of our Government, we do not demand as large an amount as we are legally and justly entitled to, but simply ask for the comparatively small sum named in the bill as some slight compensation for losses sustained by our people at the hands of the Union armies.

I will not weary the Senate, Mr. President, with any attempt to give the losses

in detail, suffered by loyal citizens of our State, at the hands of the Federal troops. Every Senator knows how large was the demand of the Army for buildings as store-houses, for hospitals, and for winter quarters for officers and privates. Every one knows how forests were felled, and the timber and fences used for fuel, fortifications, and bridges. Every one knows how often, in the case of a retreat, it became necessary to destroy costly bridges, the property of the State, and public buildings, in which commissary stores and ammunition were stored, in order to prevent their falling into the hands of and becoming useful to the enemy. The sufferings of our State in these particulars are matters of history with which, doubtless, every Senator in this Chamber is conversant.

WHO OUGHT TO PAY THE LOSSES?

The question presented for determination is, who ought to bear the losses incurred by loyal men at the hands of the Government in the prosecution of the late war, the Government who took property and used it for its own advantage, or the loyal State or party from whom the property was taken, and who received no benefit or compensation therefor, save the benefit, in common with all others, of protection? Most unquestionably the Government ought to bear the loss. The sacrifice of property by the loyal State or owner for the benefit of his Government should be compensated for by that Government by all means, and at the first opportunity. *The obligation to pay a faithful and law abiding citizen for property which the Government appropriates to its own use, and receives the benefit of, is an obligation as sacred in time of war as in time of peace; and no matter with whom the war is waged, it is not waged with the parties from whom you take it.*

War authorizes a government to possess itself of what belongs to the enemy, by confiscation, appropriation, or what you like, and without compensation; but it does not authorize a government to confiscate or appropriate the property of its loyal citizens without due compensation therefor. All law, whether in time of war or time of peace, among civilized nations at least, recognizes the principle that he who wantonly does an injury to a friend is bound to repair the damage, or make adequate satisfaction if the damage be irreparable.

It is a principle—a sacred principle—incorporated in the great fundamental law of this country, that the Government or its properly constituted agents or authorities shall in no case take private property for public use without due compensation. The Government can never, with honor, deprive a citizen of property so long as the citizen is faithful to his obligations to the Government, without paying him compensation therefor. While the citizen is faithful, while he holds his allegiance, while he discharges the obligation of citizenship, the theory of our Government is, and the principles of justice and right are, that the Government shall bring to bear all its powers to the end that citizens receive no detriment that shall not be redressed. This obligation is as lasting as the Government, and as sacred as the eternal principles of justice.

LAW BEARING ON THE SUBJECT.

Let us examine into the law on this question for a few moments, and see what the recognized authorities say on this subject. Vattel, in his *Law of Nations*, says :

Such damages are of two kinds, those done by the State itself, or the sovereign, and those done by the enemy. Of the first kind some are done deliberately, and by way of precaution, as when a field, a house, a garden, belonging to a private person, is taken for the purpose of erecting on the spot a town rampart or any other piece of fortification, or when his standing corn or his store-houses are destroyed to prevent their being of use to the enemy. *Such damages are to be made good to the individual, who should bear only his quota of the loss.*

Vattel, it will be seen, divides the damages into two kinds, accidental and designed. It is not the purpose of this bill or our people to demand compensation for accidental damages, because in a state of war the party clothed with the right to make war has to march his troops through the country by the best route possible to accomplish his purpose, and the accidental damages resulting from such march are the necessary consequences of the war, and must be borne by the people without compensation therefor. But when we come to consider the second division, it is an entirely different matter. While it is acknowledged that if it is necessary to march through a growing crop of grain in order to secure a legitimate end and thereby impair its value, no compensation can be justly or legally claimed therefor; yet if, on the other hand, the troops are in camp, and under orders to confiscate the corn for provender or else cut it down in order to keep an enemy from approaching under its cover, it must be admitted that damages lie. So

It may be set down as one of the acknowledged legal maxims of war, that whatever the Government takes from a loyal subject for the more efficient prosecution of a war, whether it be forage, timber for fortifications, houses removed or destroyed, or anything else, should be compensated for.

Says Grotius, (page 348, volume 3, Campbell's Grotius :)

The property of subjects is so far under the eminent control of the state, that the state, or the sovereign who represents it, can use that property, or destroy it, or alienate it, *not only in cases of extreme necessity*, which sometimes allow individuals the liberty of infringing upon the property of others, but on all *occasions* where the public good is concerned, to which the original framers of society intended that private interest should give way. But when that is the case, it is to be observed the state is bound to repair the losses of individuals at the public expense, in aid of which the sufferers have contributed their due proportion. Nor will the state, though unable to repair the losses for the present, be finally released from the debt, but whenever she possesses the means of repairing the damages the dormant claim and obligation will be revived.

And he again says :

The king may in two ways deprive his subjects of their rights, either by way of punishment or by virtue of his eminent power. But if he does so in the last way, it must be for some public advantage, and then the subject ought to receive, if possible, a just satisfaction for the loss he suffers out of the common stock.

Mr. William Whiting has also discussed this subject with direct reference to the liabilities of the United States, growing out of the late war. He asserts the same doctrine, namely :

If the private property of loyal citizens, inhabitants of loyal states, is appropriated by our military forces for the purpose of supplying our armies and to aid in prosecuting hostilities against a public enemy, the Government is bound to give a reasonable compensation therefor to the owner.

Again he says :

When individuals are called upon to give up what is their own for the advantage of the community, justice requires that they should be fairly compensated for it ; otherwise public burdens would be shared unequally.

Again he says :

Public use does not require that the property taken shall be actually *used*. It may be *disused, removed, or destroyed*, and destruction of private property may be the best public use it can be put to. Suppose a bridge owned by a private corporation to be so located as to endanger our forts upon the banks of a river. To demolish that bridge for military purposes would be to appropriate it to public use.

This view of the case is fully sustained by the opinion of the Supreme Court of the United States in the case of *Mitchell vs. Harmony*, (13 Howard, page 134.) This case originated out of a transaction during our war with Mexico. Mitchell was an officer of the United States Army in that war, and destroyed the property of Harmony, in the Mexican province of Chihuahua, to prevent it from falling into the possession of the enemy, and suit was brought by Harmony to recover the value of that property. Chief Justice Taney, in delivering the opinion of the court, says :

And where the owner has done nothing to forfeit his rights, every public officer is bound to respect them, whether he finds the property in a foreign or hostile country, or in his own.

There are, without doubt, occasions in which private property may occasionally be taken possession of or destroyed to prevent it from falling into the hands of the public enemy, and also where a military officer charged with a particular duty may impress private property into the public service or take it for public use. Unquestionably in such cases the Government is bound to make full compensation to the owner.

The same principles are enunciated in the case of *Grant vs. The United States*, (reported in first Nott and Huntington's Court of Claims Reports.) Judge Wilmot, the author of the famous "Wilmot proviso," in pronouncing the opinion in this case, says :

It may safely be assumed as the settled and fundamental law of Christian and civilized states that governments are bound to make just indemnity to the citizen or subject whenever private property is taken for the public good, *convenience, or safety*.

This was a case in which Grant brought a claim against the Government for property destroyed in Arizona by the United States troops in July, 1861, to prevent it from falling into the hands of the enemy.

In the syllabus of the case the following principles are laid down :

There is no discrimination to be made between property taken to be used and property taken to be destroyed.

It is no defense that the circumstances must have rendered the property valueless to the owner if the officer had not destroyed it. It is the imminence of danger that gives the state a right to destroy property ; but the certainty of danger does not relieve the state from liability for the property which it takes to destroy.

The doctrines of law set forth by the foregoing eminent writers and learned judges are so plain and to the point, that it is needless for me to do more than

announce them without comment. The essence of the opinions and decisions seems to be contained in the plain proposition of law, that the Government is bound to compensate its loyal citizens for all property taken from them by the Government, or used or destroyed by the Government in the prosecution of the war, of which the Government received the benefit. This is what the bill contemplates. This is all we ask for.

DAMAGES INFLICTED BY THE CONFEDERATES.

We do not claim that the Government is under any obligations to indemnify us for damages sustained through the act or actions of its enemies, though even in this case there is abundant precedent to justify a claim of this kind; and in the particular case of West Virginia compensation ought really to be made her for damages inflicted by the enemies of the Government; for she by her adherence to the Government thereby threw herself into the very heart of the conflict and saved to the loyal States many times the amount claimed in this bill. But I will not discuss this proposition, as West Virginia waives all right of damages accruing to her by reason of injuries at the hands of the enemies of the Government, and simply asks that the Government which she helped by means and men to keep in fact, shall pay for the property it took and converted to its own use or destroyed.

ACCIDENTAL CONSEQUENCES OF WAR.

Nor do we claim that losses incurred by general measures, such as the blockade, the act of emancipation, the march of an army, the destruction of crops, &c., on a field of battle while in the midst of conflict, or any other accidental consequence of war, should be made good to loyal men who happened to incur them. These are the misfortunes of war, which cannot be helped and of which a true patriot does not complain. For the accidents of war, for the destruction which may be occasioned by the march of armies, by battles, by the capture of towns, by the resistance of an enemy when you are endeavoring to capture a town, no nation in the world could be called upon justly to pay. They are like destruction by fire, by the lightning, by a flood, &c., and are likened in the law to the acts of God. On whomsoever these damages fall, whether loyal or disloyal, the person who suffers the loss must submit to his misfortune. It would be the extreme of foolishness to contend otherwise.

THE RIGHTS OF LOYAL CITIZENS IN INSURRECTIONARY STATES.

I will not attempt, Mr. President, to argue the proposition so often asserted and so elaborately discussed in this Chamber as to the right of the Government to appropriate for war purposes, without compensation, the property of any and all residents of the States declared in insurrection, regardless of their sentiments toward the Government; for I do not think it enters into the case I am now presenting. Yet, while not arguing the proposition, and while admitting that when in the midst of a great civil struggle, such as we have passed through, it is not incumbent upon the Government, nor is it expected of it, to pause to inquire who were its friends and who its enemies. *I hold that a loyal citizen of Virginia, Louisiana, or any other insurrectionary State, was as much entitled to protection of life and property, and to be compensated for property taken or appropriated by the Government, as a citizen of New York, Massachusetts, or any other Northern State.*

In this connection I desire now to call the attention of Senators to a case reported upon at the second session of the Forty-second Congress by the Committee on Claims, of which I had the honor to be a member, and I desire especially to direct attention to letter and indorsement of then General, but now President Grant, filed with the papers in the case. The case was as follows: James Cameron was the owner of a lot of ground, containing about forty acres, located in the suburbs of Chattanooga, Tennessee, on which was a dwelling used as a family residence. When the Union armies, under command of Major-General W. S. Rosecrans, entered that city, this property was taken possession of by them and used for army purposes. Fortifications were erected on the land, the timber on the land cut off and used for fuel, and the out-houses and fencing destroyed. The committee found that the claimants, Mr. and Mrs. Cameron, were loyal, and had been damaged to the amount of \$10,000, and reported a bill for the payment of that amount, recommending its passage. The bill afterward passed the Senate. The letter and indorsement of General Grant were as follows:

[Letter.]

HEADQUARTERS ARMY OF THE UNITED STATES,
City Point, Virginia, August 9, 1864.

MY DEAR MAMAM: Your letter of the 8th of July was duly received, but not so

promptly answered. I know yours to be a case where prompt payment should be made, and am willing to so indorse your claim. I believe your property at Chattanooga has been appraised by a board of officers. If so, send me the proceedings of the board, and I will make my indorsement and return them to you. If you have no such evidence of the claim, inform me, and I will order a board to assess it, and will indorse the proceedings. This will be the first step toward a collection.

Yours, truly,

U. S. GRANT.

Mrs. CAMERON.

[Indorsement.]

HEADQUARTERS ARMIES OF THE UNITED STATES,
City Point, Virginia, October 25, 1864.

I know the property within described and the parties owning it well. Mr. Cameron and his wife have been unflinching friends of the Government from the beginning of our troubles to the present day. There are no more thoroughly loyal people anywhere in the North, and they are entitled to protection and pay for their property converted to Government use. What is now known as Fort Cameron, Chattanooga, was the private property of Mr. Cameron. From its elevated and commanding position, it had to be taken and fortified. By this means the entire property, with improvements, has been entirely destroyed for private use. I would recommend that the property be purchased, at a fair valuation, for Government use.

U. S. GRANT, General.

It will be noticed that in this case the property was located in a State known as one of the insurrectionary States, and that General Grant indorsed the claim as a just one and recommended its payment.

This fully commits the President to the payment to loyal persons for property taken or damaged by United States troops in insurrectionary States, and the act for the relief of the Kentucky University and many other similar acts, signed by the President, fully commit him to such payment to persons in States not in rebellion.

But the question of damages to loyal persons in insurrectionary States has nothing to do with the claim of West Virginia. The loyalty of our section of country was recognized and acknowledged by the General Government in the early part of the war, even while our State was a part of the State of Virginia.

I do not understand that the late war was waged against States, as States in their sovereign capacity, but against such of the inhabitants only as were in a state of insurrection, resisting the laws. It is a historical fact that all through the war a distinction was preserved in the legislation of Congress and the proclamations of the President between the loyal and disloyal inhabitants of the States and parts of States in rebellion.

LOYALTY OF WEST VIRGINIA RECOGNIZED BY THE GOVERNMENT DURING THE WAR.

As to our own section of country, I will cite extracts from some of the proclamations of President Lincoln in regard to the States in insurrection. In his proclamation of August 16, 1861, he says :

In pursuance of an act of Congress, approved July 13, 1861, I do hereby declare the inhabitants of the said States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Texas, Arkansas, Mississippi, and Florida, except—

And here I ask the special attention of the Senate—

except the inhabitants of that part of the State of Virginia [the State of West Virginia was not formed until 1863] lying west of the Alleghany Mountains, and of such other parts of that State and the other States hereinbefore named as may maintain a loyal adherence to the Union and the Constitution, or may be from time to time occupied and controlled by the forces of the United States engaged in the dispersion of the insurgents, are in a state of insurrection against the United States, &c.

President Lincoln also, in a proclamation dated July 1, 1862, in pursuance of an act of Congress passed June 7, 1862, in which it was made the duty of the President to declare, on or before the 1st day of July then next following, in what States and parts of State insurrection existed, expressly excepted the counties comprising West Virginia.

He also in a proclamation issued April 20, 1863, revoking certain exceptions made in a former proclamation, expressly excepted the counties of Virginia, designated as West Virginia.

So you will see that the President of the United States, in every proclamation of insurrection, was careful to make a distinction in favor of the State of West Virginia, and justly so.

PROMISES MADE TO OUR PEOPLE.

President Lincoln, in his proclamation of April 15, 1861, appealed to all loyal citizens, wherever situated, to lend their aid in maintaining the honor, integrity, and existence of the Union. He declared that in the effort to re-establish its supremacy the utmost care would be observed to avoid any devastation, any destruction of or interference with property, or any disturbance of peaceable citizens in any part of the country. This looked as if it was the intention of the Government to protect loyal persons in their property, no matter where located.

During the late war the Commander-in-chief of our armies issued "instructions for the government of the armies of the United States in the field," from which I quote three sections :

34. As a general rule, the property belonging to churches, to hospitals, or other establishments of an exclusively charitable character, to establishments of education, or foundations for the promotion of knowledge, whether public schools, universities, academies of learning, or observatories, museums of the fine arts, or of a scientific character—such property is not to be considered public property in the sense of paragraph 31.

(This paragraph, (31,) recites what a victorious army may appropriate in time of war.)

37. The United States acknowledge and protect in hostile countries occupied by them religion and morality; strictly private property; the persons of the inhabitants, especially those of women; and the sacredness of domestic relations. Offences to the contrary shall be rigorously punished.

38. Private property, unless forfeited by crimes or by offences of the owner, can be seized only by way of military necessity, for the support or other benefit of the Army of the United States. If the owner has not fled, the commanding officer will cause receipts to be given, which may serve the spoliated owner to obtain indemnity.

These rules, it will be seen, are applicable to the country of an enemy; how much more so then, to the country of a friendly subject? If an enemy is entitled to such consideration, why should not a loyal man expect to be protected in his rights?

General George B. McClellan, when he entered Western Virginia in May, 1861, at the beginning of the war, issued a proclamation and address "to the Union men of Western Virginia," dated May 26, 1861, from which I take some brief extracts to show the specific promises made by the Government to our people :

You have now shown, under the most adverse circumstances, that the great mass of the people of Western Virginia are true and loyal to that beneficent Government under which we and our fathers have lived so long. * * * I have ordered troops to cross the Ohio River. They come as your friends and brothers, as enemies only to the armed rebels who are preying upon you. Your homes, your families, and your property are safe under our protection.

Again, in a proclamation and address "to the inhabitants of Western Virginia," dated June 23, 1861, among other things he said :

The proclamation issued by me under date of May 26, 1861, (referring to the above proclamation,) will be strictly maintained. Your houses, families, property, and all your rights will be religiously respected. We are enemies to none but armed rebels and those voluntarily giving them aid.

He also issued an order to his soldiers dated Grafton, Virginia, June 25, 1861, in which he said :

Bear in mind that you are in the country of friends, not of enemies; that you are here to protect, not to destroy. * * * Remember that I have pledged my word to the people of Western Virginia that their rights in person and property shall be respected. I ask every one of you to make good this promise in its broadest sense. We come here to save, not to upturn.

The Government has committed itself in this matter, and it is a late day now to say, "Well, we thought it necessary and wise, in order to establish our supremacy, to assure those of you in the border and Southern States who remained loyal, especially those of you who acted as the breast-works, as it were, of the Northern States, that you should be protected in your liberties and property; but now that the war has been waged, and we have come out of the conflict victorious, we choose to ignore your sufferings, your loyalty, your services, your sacrifices; we choose to forget our manifold promises of protection and redress. It was all very well when the Union was in danger, when the fate of the nation was trembling in the balance; but now that the affair has been decided, what matters to us what you have suffered or sacrificed; what matters to us whether you gave your all to help save us? You can be of no further use to us; therefore we ignore and disclaim you. What matter to us that, for the sake of your devotion, you braved insolence, outrage, and persecution; what matter that you endured confiscation, conflagration, exile, and often death? Is this the policy that will make this nation the shining light in the galaxy of nations that its founders intended it should be? I think not.

HOW THE LOYALISTS OF THE SOUTH SUFFERED.

The mission of war is to kill, capture, and destroy. It aims to inflict upon the enemy the greatest amount of mischief possible. To do this it sometimes becomes necessary to ruthlessly destroy the property of friend and foe alike, as in the memorable march of General Sheridan through the valley of the Shenandoah in 1864, and the march of General Sherman to the sea-coast.

As an apt illustration of the manner in which the loyal people of the border

had to suffer, I will refer to the raid through the valley of the Shenandoah during the fall of 1864. General Sheridan, in his letter to General Grant, dated "Woodstock, Virginia, October 7, 1864," says:

On moving back to this point, the whole country, from the Blue Ridge to the North Mountain, has been made untenable for a rebel army. I have destroyed over two thousand barns filled with wheat and hay and farming implements; over seventy mills filled with flour and wheat; have driven in front of the Army over four thousand head of stock, and have killed and issued to the troops not less than three thousand sheep. This destruction embraces the Luray Valley and Little Fort Valley, as well as the main valley. A large number of horses have been obtained, a proper estimate of which I cannot now make.

The historian tells us that "whatever of grain and forage had escaped appropriation or destruction by one or another of the armies which had so frequently chased each other up and down this fertile and productive valley was now given to the torch. Some of it was the property of men who not only adhered to the Union but were fighting to uphold it."

JUSTICE OF THE CLAIM.

The losses of private property on the part of citizens faithful to the Government, and of which the Government has received the benefit, ought to be borne, as the expense of raising and supporting armies is borne, not by the few who are forced by the fortunes of war temporarily to sustain them, but by the whole people. Certainly no one will deny that it is the spirit and intent of the organic law of the land that the burdens of Government shall be borne alike by the whole people, and that its benefits shall be shared alike by all who bear it true allegiance.

I cannot see wherein the forcible taking of property from a loyal man in a border State, at a time when the necessities of the Army demanded it, differs from the peaceable taking of the property of a man in a Northern State, in so far as compensation is concerned. If the supplies had not been taken from the country through which the troops were passing they would have to have been purchased elsewhere, because an army cannot be maintained without means of transportation, food and shelter for the men, forage for the horses, &c. If *purchased*, most undoubtedly vouchers would have been given and payment made. If not purchased, if not on hand in the commissary or quartermaster department at the time needed, they would have to be procured from the surrounding country. The only difference, if any exists, is that in one case there is an express promise to pay, and in the other case the promise is implied in the taking. I take it our Government does not claim to be a freebooter, and the obligation to pay is as binding in honor and law in one case as the other.

But the question may be asked, where are your vouchers? Did not the United States officers give the loyal parties from whom they took this property something to show for it, some paper or voucher by which they could prove their claims when they came to receive payment? No; in most cases they did not. In the nature of the case the emergencies of the Army often forbade the delay of a formal requisition, while they equally necessitated an immediate supply of its wants. And frequently, when supplies had been formally taken, the sudden movement of the Army prevented the execution of proper vouchers. The needs of a large army in active movement brooked no delay. On a forced march the cavalry, for instance, could not afford to wait until fresh horses could be regularly bought or impressed, or proper receipts given. And property was often taken when there was no one present authorized to give a voucher.

The value of such private property appropriated, used, or destroyed by the Government, and of which the whole country received the benefit, is as much a part of the public debt as if it were a five twenty or seven-thirty bond of the United States, and the obligation is as binding, morally and legally, to pay it. A proposition to repudiate the national debt would be scorned by this nation, and, in my opinion, the national honor would in the end suffer just as much, if the just war claims of loyal people are repudiated.

It is to be remembered, sir, that the citizens of our State contributed of their money, in the shape of taxes and otherwise, for the support of the Government in the prosecution of the war; they were subject to draft and to do military duty, as were the citizens of the Northern States, and in all respects occupied the same position toward the Government as did the citizens of New York or Massachusetts. Why, then, should they be discriminated against?

It is simply preposterous to say that there is any justice in refusing to pay a loyal man in the South for his property deliberately taken by the Government; where, under the same circumstances, we would pay a man living in the North,

without raising the question of loyalty or disloyalty, for his property. For my part I cannot subscribe to any such doctrine.

The Government, in its relations to the people, may be likened to a parent in his relation to a child. It is *as much the duty of the Government to see that the people who recognize its authority and give it their allegiance are protected in life, liberty, and property,* as it is the duty of a parent to provide for and protect a dutiful child. No government can expect to maintain its sway in the hearts of the people unless it exercises a watchful and fostering care over them. And no Government can expect its people to do justice toward it, unless it metes out equal and exact justice to its people.

This is a just claim, a legal claim, a moral claim against the Government of the United States for property it has taken, and the obligation to pay this and similar claims is as strong and binding as the obligation to redeem the Government's promises to pay, or an individual's. It is no answer to the justice of the claim to say that the Government cannot afford to pay. The Government ought only to inquire if the claim be just and right, and if so, to allow it, and provide the means of payment; and if the means are not at hand now, let it be acknowledged now and paid when means are at hand.

PRECEDENTS.

As to precedents, they could be cited in abundance, and to sustain a much weaker claim than the one I am now presenting. As my remarks will be more protracted than I intended, I cite but a few.

It is a well-settled principle in law and justice that if a part of a cargo of a vessel is thrown overboard or destroyed, to save the balance, the entire cargo must pay the loss. Again, if during a fire in a city or town, a house or houses are blown up or in any way destroyed, believing this might save other property, by stopping the fire, the city or town must pay for the house or property destroyed, though it is certain the same property would have been burned if not destroyed.

Congress, in 1816, passed "an act to authorize the payment for property lost, captured, or destroyed by the enemy, while in the military service of the United States, and for other purposes," (Statutes at Large, volume 3, page 261,) in which it was provided (section 5) "that where any property has been impressed or taken by public authority for the use or subsistence of the Army, during the late war, and the same shall have been destroyed, lost, or consumed, the owner of such property shall be paid the value thereof, deducting therefrom the amount which had been paid or may be claimed for the use and risk for the same, while in the service aforesaid."

But the principle I am contending for was recognized long before the passage of this act. On the 13th day of April, 1792, an act was passed granting compensation to the trustees of the public grammar school and academy of Wilmington, Delaware, for the use and occupation of the said school, and damages done to the same by the troops of the United States during the revolutionary war. (Statutes, volume 6, page 8.)

An act was passed on the 16th of April, 1800, for the relief of Rhode Island College, for injuries done to and compensation for the occupation of the edifice of said college from the 10th of December, 1776, to the 10th of April, 1780, by the troops of the United States, and from the 20th of June, 1780, to the 20th of May, 1782, by the troops of France, co-operating in the defense of the United States; in the first instance as a barracks, in the second as a military hospital. (Statutes, volume 6, page 40.)

The relief granted in this act was recommended by Alexander Hamilton, then Secretary of the Treasury, who, in his report thereon, dated January 31, 1795, said:

It is the opinion of the Secretary, as expressed on former occasions, that in this and all similar cases affecting the interests of literature, indemnification and compensation ought to be made. (Claims, page 193.)

March 1, 1815, an act was passed to compensate William H. Washington for the value of a house situated near the west end of the Potomac bridge, which was used as a depot for public stores, and was destroyed by order of a United States officer to prevent the stores falling into the hands of the British during the war of 1812. (Statutes, volume 6, page 151; Claims, page 446.)

April 26, 1816, an act was passed to audit and settle the claim of the supervisors of the county of Clinton, New York, for the destruction of the court-house of said county by order of a Federal officer. (Statutes, volume 6, pages 164, 165.)

April 7, 1830, an act was passed appropriating money to pay Hubert La Croix, of the (then) Territory of Michigan, for the destruction of his dwelling-house by the British and Indians while in the military occupation of the United States. (Statutes, volume 6, page 412.)

March 2, 1833, an act was passed to compensate the heirs of Thomas Frothingham, deceased, for certain buildings in Charlestown, Massachusetts, which were burned during the revolutionary war, by order of General Putnam. The buildings were burned to prevent their being used as a shelter by the British troops. (Statutes, volume 6, page 547.)

July 2, 1836, an act was passed to remunerate the heirs of Nathaniel Canada for burning of a toll-house and bridge across the Niantic river, in Connecticut, in 1814, by the British, while they were occupied by the troops of the United States. (Statutes, volume 6, page 669.)

April 20, 1838, an act was passed appropriating \$3,000 to Calvert county, Maryland, to indemnify her for the destruction of her court-house by the British in the war of 1812, while the same was in the occupancy of the United States. (Statutes, volume 6, page 71J.)

In June, 1872, an act was passed allowing Joseph Segar \$15,000, the balance due him after deducting what he had heretofore received for the use and occupation of his farm in Elizabeth county, Virginia, by the Army of the United States during the late rebellion. (Statutes, volume 17, page 670.)

In January, 1873, Congress passed a law authorizing the Secretary of the Treasury to pay the heirs of John Minor Botts the sum of \$1,990.16, in full of balance for injuries done or committed by the troops of the United States to the land of John Minor Botts, deceased, the timber, fences, and other fixtures thereon. Mr. Botts had been paid \$14,870 68 June 1, 1865, by the Quartermaster's Department. (Statutes, volume 17, page 79.)

And so I might go on until I both wearied myself and exhausted the patience of the Senate. The cases resulting from the late war and acted on from time to time by this body and the House of Representatives are fresh enough, doubtless, in the mind of every Senator present, and it would be but an unnecessary waste of time for me to enumerate them. I believe these acts to have been right in principle and sanctioned by law, and commend Congress for their passage. While I believe our bill is strong enough in its own merits to insure its passage, yet I cite these precedents to show that I am contending for no new principle, but for an old established one, such a one as it has been the uniform practice of this Government to conform to from time immemorial. It will be noticed that most of the cases cited are similar to the class of cases for which compensation is claimed in the bill.

Let us glance for a moment at what has been done by some other nations towards compensating those who befriended them in their wars, and then I will have done with this branch of the subject.

During the war of the Revolution the tories, as they were commonly called, or the adherents of the British Crown, suffered at the hands of the Continental Army. Some were driven from their homes and their estates confiscated. The war terminated in favor of the Americans. The injured tories appealed to Parliament for compensation. The result of their appeal is thus told by Sabine, in his *American Loyalists*, (page 111 :)

The amount of losses according to the schedules rendered, was £8,026,045, of which the sum of £3,292,455 was allowed. From this sum the deductions which have been mentioned (made from claims exceeding £10,000) were about £180,000; leaving for distribution, nearly fifteen and a half millions of dollars. The Loyalists then were well cared for. * * * Besides the allowance of fifteen and a half millions of dollars in money, numbers received considerable annuities, half pay as military officers, large grants of land, and shared with other subjects in the patronage of the Crown.

It will be noted that this relief was granted, not for property of which their own government had despoiled them, but for property which had been taken from them or destroyed by our troops and people.

Even France, although almost impoverished at the close of the Franco-Prussian war, made provision for such of her subjects as had been injured. We quote from a learned and distinguished jurist, a member of this body, Judge HOWE, who as the then chairman of the Committee on Claims of the Senate, in February, 1873, submitted an able and exhaustive report—one that in my opinion is unanswerable—reviewing the objections of President Grant to the act passed for the relief of J. Milton Best.

Judge HOWE in his report says :

In September, 1871, immediately upon the close of the Franco-German war, France, although defeated and subjected to the payment of a fine of 3,000,000,000 of francs to her conquerors, did not ask to avoid the obligation of making compensation to her despoiled subjects. Accordingly the National Assembly provided not only for the payment of all private damages inflicted by the French authorities, but also provided for the repayment of all exactions made upon French subjects in the name of taxes by the German

authorities. The same decree appropriated 100,000,000 of francs, to be placed at once in the hands of the ministers of the interior and of finance, to be apportioned between the most necessitous victims of the war, and appropriated a further sum of 6,000,000 of francs, to be distributed by the same ministers among those who suffered the most in the operations attending the attack made by the French army to gain entrance into Paris.

AMOUNT OF THESE WAR CLAIMS.

Some say that the recognition of such a claim as this and similar claims will open the flood-gates of the Treasury, and that the nation will be bankrupted. When a war claim is presented, they put on their magnifying glasses, and conjure up similar claims to the amount of hundreds of millions of dollars. I do not think, from my observation and research into this matter, that the amount of these claims will be so enormously large. I think when we talk about thousands of millions and an infinite draft on the Treasury, we are talking at random. But even admitting the truth of the assertion, I still hold that the justice of my position is not affected by it. While I favor economy in all directions and in all matters pertaining to disbursements from the public treasury; while *I favor an impartial and rigid examination into every claim, of whatever nature, presented against the Government, yet I am not one of those who contend that we are to refuse to do justice because it involves the expenditure of money.*

I believe, however, that \$25,000,000 will cover, and more than cover, every legitimate claim, from all sources, for property taken or used by the Federal Army belonging to loyal citizens and appropriated for the use of the Army, or used or destroyed for the benefit of the Government, especially after the close scrutiny to which this class of claims is subjected. And I think, if I have the attention of Senators, I can demonstrate that I have overstated the amount. I have prepared, in tabular form, a statement showing all claims now pending, and the amount of them, as well as the number of claims acted on and their amount. The figures are as follows:

	Number of claims pre- sented.	Amount.	Number al- lowed	Amount.	Number re- jected.	Amount.	Num'r pend- ing.	Amount.
Commissary Gen'l.	6, 096	\$3,312,757 68	1, 406	\$317,448 54	4, 443	\$2,682,644 18	247	\$190, 527 44
Quar. Gen'l (up to close of fiscal y'r.)	31, 126	21,319,180 02	6, 257	2,741,961 67	13, 522	9,048,044 57	11, 347	7, 822, 829 55
Quar. Gen'l (since beginning of fiscal year.....)	1, 600	700,000 00	.....	.....	.....	.....	1, 000	700,000 00
Comm'r of Claims, (Southern Claims Commission).....	22, 293	60,258,150 44	5, 234	1,794,580 55	.....	.....	17, 044	50, 033, 764 12
Senate U. States...	104	3,500,000 00	.....	.....	.....	.....	104	3,500,000 00
House of Reps....	500	16,300,000 00	.....	.....	.....	.....	500	16,300,000 00
Yet to be presented	.....	10,000,000 00	.....	.....	.....	.....	.....	10,000,000 00
Totals	61, 124	115,390,088 14	12, 917	4,853,990 76	17, 965	11,730,688 75	30, 242	88,547, 121 11

The figures given in the above table are official, as far as the reports of the Commissary-General, Quartermaster-General, and southern claims commission are concerned, with the exception of the amount filed in the Quartermaster's Department since the beginning of the fiscal year. The Quartermaster-General estimates the number of claims received since the beginning of the fiscal year at one thousand, but does not give the amount of them. I have estimated the amount by taking the claims heretofore presented in that department as the basis. The amount of claims pending in the Senate and House of Representatives have been prepared by the clerks of the Claims Committees, and have been estimated as well as they could be from the data at command, and I have no doubt are very nearly correct. I have also allowed \$10,000,000 for claims yet to come in, and I think that is a full estimate, for it must be remembered that it is now some years since the acts were passed allowing these claims to be presented.

It will be seen by reference to totals in the report, that 30,882 cases have been acted upon, leaving about one-half (30,242) yet to be acted upon. The amount of the cases acted upon was \$27,033,494.47, and of this amount \$4,853,990.76 have been allowed; a little less than one-fifth. Of the \$88,547,121.11 yet remaining to be acted upon, it is fair to remark: First, that of the 11,347 claims pending up to the close of the present fiscal year in the Quartermaster-General's Department, General Meigs says "about three-fourths of them have been suspended for want of additional evidence, (which, in the majority of cases, is tantamount to rejec-

tion,) which may or may not hereafter be furnished." This would reduce the amount remaining to be acted on in his office to \$1,955,707.39. Second, of the claims pending in the House of Representatives, \$5,000,000 are for property taken, occupied, and destroyed by the United States as a military necessity in the so-called Confederate States, and I am credibly informed that the major part of this amount is claimed by those who acted with the confederacy, one claim alone, of that character, being for \$1,000,000. Also, \$2,000,000 of those claims are for the use of railroads and damages to the same, which are not allowed by the laws now in force. This would reduce the amount of claims now pending in all quarters, and yet to be presented, as estimated, to some \$75,000,000.

And just here I would like to direct the attention of the Senate to a letter from the Secretary of the Treasury to Hon. JAMES G. BLAINE, Speaker of the House, dated February 18, 1874, (Executive Document No. 146,) from which it will be seen that—

The amount covered into the Treasury of the United States from the sale of captured and abandoned property during the war, has been.....	\$20,910,657 44
Of this there has been expended in payments to claimants and costs.....	6,500,227 27

Leaving in the Treasury.....	14,410,429 17
------------------------------	---------------

There has been allowed by the Court of Claims something over \$1,000,000, which has not yet been paid, which comes out of this amount.

Now, taking the proportion of claims allowed to the amount claimed, and we have about one-fifth. Applying this same proportion to the amount yet pending—some \$75,000,000—and we find we have some \$15,000,000, which is but little more than the amount in the Treasury resulting from the sale of captured and abandoned property in the Southern States. But even allowing the whole amount of claims yet pending to be such as can properly be considered, and applying the proportion as before, we find we will probably have to pay but some \$17,700,000 in round numbers, which is far below the estimate of \$25,000,000, and to meet which there are nearly \$14,000,000 now in the treasury belonging to that fund. So, if there is any reliance to be placed in figures, and it is said "figures never lie," the fair inference is that \$20,000,000 will more than pay every legitimate and proper claim of this nature against the Government, and surely this is not an amount sufficient to deter a government from doing what is just and right toward its people.

Most of the above claims can be considered under present laws by the southern claims commission, the Quartermaster-General and the Commissary-General. It is estimated that to the present time not more than ten millions has been claimed by loyal citizens or States for property taken or destroyed by United States troops or agents. Apply the rule and basis heretofore acted upon, three or four millions will pay all such claims.

Some say *the Government cannot afford it*. What an answer that to make to a man who has suffered and lost at the hands of the Government he was endeavoring to maintain and uphold! What an answer to make to a man who asks, not pay for the spoiliations of the enemy; not compensation for losses incident to the war, but indemnification simply for what his own Government has appropriated or destroyed. Sir, no nation can afford to be unjust, least of all ours. This Government wants the respect and good will of its own citizens as well as a good credit abroad. The war is over; the effects of the war almost obliterated; industry has resumed its pursuits, and the whole country seems to be advancing to a high state of prosperity. Is it not time to look into these matters I have so feebly attempted to describe? We have waited long and patiently. Is it not time to give us our reward?

DUTY OF THE GOVERNMENT IN THE PREMISES.

The duty of this Government is to protect, and it owes protection where it exacts allegiance. The fundamental basis of all republican governments is the mutual compact between individuals and the people in a collective capacity, represented by the government.

While it is true that the citizen owes allegiance to the government of which he is the subject, the converse of the proposition is equally true, that the government owes protection to the subject. This common unity of interest, these mutual and reciprocal obligations, are what constitute and cement the Union of States. Break this strong chain that binds the governed and the governor together, and the name of government becomes a mockery, a nonentity. You might as well attempt to run an engine without a driving-wheel as to attempt to run a government without this reciprocity of interest. And, on the other hand,

the driving-wheel without the "governor" would soon play sad havoc and destruction with the machinery of the engine. A government, without a people acknowledging their allegiance and claiming its protection, is nothing, and a people without a government to protect them and exact their allegiance amount to nothing. Each depends upon the other for existence and perpetuity.

As representing the moral sense of the nation, Congress is bound to do what is just, what is equitable, and what is becoming our Christian civilization. While we are the custodians of the national treasure, we are also the guardians of the national honor. While we are bound to protect the Treasury from the payment of illegal claims, we are bound to see that the honor and interests of the people do not suffer. When a great and magnanimous nation like this takes from one of its loyal citizens his property, and applies it to its own use and benefit, that citizen ought to be paid every cent of the value of the property so used.

Wherever the people in the Southern States preserved their fidelity to their Government, they were as free from the rebellion as a loyalist residing in any Northern State, and with much more merit, because the temptation and forces that operated so terribly upon them were so much greater.

Congress has passed several laws, notable among them is the act of July 27, 1868, relieving officers or agents of the Army from liability to owners of property taken, used, or destroyed during the late war. This transfers from the officers or agents to Government all liability to pay, &c., for property taken or destroyed by United States troops or agents.

When supplies for the Army, or munitions of war, or anything else wanted by the Government, were procured or appropriated in the Northern States, they were paid for. Nor was any account taken of the loyalty or disloyalty of the party from whom they were procured. I cannot see how any distinction, either in law or morals, so far as the obligation of payment is concerned, can be made between a purchase and an appropriation from the loyal owner without a direct purchase where the Government received the benefit of the thing purchased, or appropriated. This, in my opinion, would be a matter of much more serious contemplation if by the passage of this act, we were establishing a precedent; but this is not the case. We have precedent after precedent of a remarkable uniformity of decision, antedating to the earliest history of our own Government, and in older countries going back to the time whence "the memory of man runneth not to the contrary." I contend that by every principle of justice, by every principle of equity, by every principle of honor, by every principle of common honesty, we cannot escape the obligation to pay for property we have taken, used, or destroyed, belonging to a loyal citizen or State, and have received the benefit of its use in the support of the cause of the Union.

SPECIAL CLAIMS OF WEST VIRGINIA ON THE GOVERNMENT.

It seems to me, Mr. President, that a more equitable claim could not be presented to Congress. The State of West Virginia responded patriotically and manfully to the call of the President for troops. She sent to the field some of the best soldiers that were ever enrolled in any army. She complied with every requisition that was made upon her. The heroic deeds of her soldiery are written upon the annals of history, and of their exploits she may well feel justly proud. They were ever found where duty called them, and many of her brave sons lie buried where they fell in the discharge of their duty to their country. By reference to the records of the War Department it will be seen that West Virginia furnished troops to the Federal Government during the war to the number of 32,003—as large a number, in proportion to her able-bodied population as, any Northern State.

The loyal people of our State, under all their losses and troubles and sufferings, never murmured or complained, because they had faith in the proclamations of the President and the published addresses of the generals of the Union armies that they were considered the friends of the Government, and as such were entitled to protection and to remuneration for all property appropriated and used or injured or destroyed by the Government, of which the Government received the benefit.

West Virginia, although destined when her hills and valleys are densely populated and her dormant wealth, now lying undeveloped, shall be unearthed, to be one of the brightest stars in the crown of States, is yet in her infancy. She has had to incur a heavy expense in the erection of necessary public buildings, many of which have been destroyed by the Union armies. Being a comparatively new State she needs development. Although she has been subject to the ravages of both armies; although she has had to undergo toils,

privations, and dangers innumerable, she does not come here as an object of charity. She comes, asking as a right that where the Government has received the benefit of the subsistence stores, the horses, the cattle, corn, and other articles of food, the houses, timber, &c., taken from loyal persons in her borders by its armies, and where they have used, injured, and destroyed our macadamized roads, churches, school-houses, bridges, court-houses, and other public buildings for military purposes, they ought to pay a just compensation for the property so taken, used, destroyed, or injured. I feel that my position in this matter is true and impregnable, however unable I may be to do the case justice or to convince those of the Senators who may differ with me in the views I have expressed.

CLOSING REMARKS.

It was easy enough to be true to the Government where the storm and fury of battle did not rage, where your homes were undisturbed by the shock of arms, where it cost nothing to be loyal; but in our country, especially in the earlier days of the war, it required principle and moral and physical courage and love and devotion to the Union to oppose the rebellion. Do we not owe something to the persons who were faithful amid such fiery and terrible crimes?

I say Mr. President, and I feel that the country is not only able but will give its hearty sanction to the payment of claims of this class. All that will be *required of us is that we carefully scrutinize these claims and see that none but just claims are paid; and I am willing that the merits of this bill shall be submitted to the closest and most careful scrutiny.*

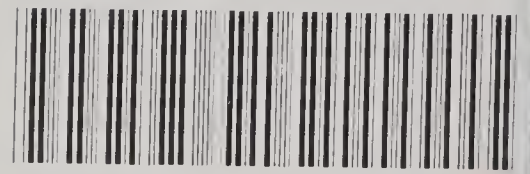
I wish it distinctly understood that our people are willing not only to bear their just and equitable proportion of the war debt, but any other expenditure necessary to maintain and keep inviolate a republican form of government. But we do not think it fair to bear more than our just proportion. We think the losses sustained by our loyal people during the war at the hands of the Federal Government should be equitably borne by all the States, and not left to fall upon us alone.

Why is it that during the entire period of the war, from the firing on Fort Sumter to the surrender at Appomattox Court-house, we were led to believe by the practice of the Federal Government, and by the proclamations of its President and generals, that we were considered friends of the Government, and that our constitutionally guaranteed rights of protection of our lives and property were sacred in the eyes of the Government? Ah! the Government was in need, and when in need it made bountiful promises. But now the war is over, now that the victory has been won, now that the perpetuity of the Union is more firmly established, if possible, than ever, now that our services, our money, our sacrifices are no longer needed, are we to be told that the promises made to us were but delusions—promises made to the ear to be broken to the hope? Are we to be told that we have no rights which this nation we helped to save is bound to respect? For the honor of its good name, I trust not.

We ask the passage of this bill by virtue of our loyalty, tested and proven under the most adverse and trying circumstances: by virtue of our sacrifices and sufferings on behalf of the Government; by virtue of our having borne our full share of the burdens of the Government during the whole war and since; by virtue of the pledges given us at the commencement of and during the war; by virtue of the Constitution and the law of the land; by virtue of the Articles of War; by virtue of the laws of war which prevailed among the civilized nations of the earth; by virtue of the brave men of our State who laid down their lives a willing sacrifice on the altar of their country; by virtue of the precedents established at the time of our national independence, and recognized up to the present day; by virtue of right and by virtue of justice.

And now, Mr. President, I owe an apology for the length of my remarks, which are more lengthy than I had intended to make them, but I found there was so much ground to cover, and the subject one in which the people I have the honor in part to represent are more interested than perhaps any other, I could not do my constituency, the merits of the bill, or myself, justice in less time. I feel that the bill has not only intrinsic merit, but is an eminently just one; and if I have failed to present its merits in a proper and convincing light, the default must be attributed to the imperfect manner in which I have laid the facts before you. I trust that Senators will give the subject of this bill, and similar bills, and the law bearing upon them, their careful and earnest attention, so that justice may be done to the people of the border and the South, and not let the few bear the burdens that belong to the many.

LIBRARY OF CONGRESS



0 013 760 558 2

